

# PROCLAMATION

BY THE

## Governor of the State of Texas

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TO ALL TO WHOM THESE PRESENTS SHALL COME:

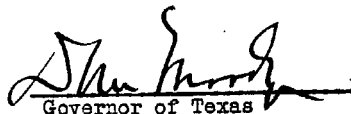
WHEREAS, the Forty-first Legislature at its Regular Session passed House Bill No. 247, being "AN ACT making it a felony for any sheriff, constable, deputy sheriff, deputy constable, justice of the peace, county attorney, chief of police, policeman or other peace officer, or any other person posing as an officer, to demand, receive or collect the whole or any part of the fine, or costs, in any misdemeanor case before an affidavit or affidavit and information has been filed and judgment of conviction rendered in such case; provided that posting of cash bond as authorized by municipal officers shall not be prohibited; providing that if any part of this Act shall be held invalid it shall not affect any other provision; prescribing a penalty; and declaring an emergency;" and,

WHEREAS, said Bill has been vetoed for the reasons set out in the following statement, which has been filed with said Bill in the office of the Secretary of State:

This Bill makes it unlawful for any sheriff, constable, deputy sheriff, deputy constable, justice of the peace, county attorney, chief of police, policeman or other peace officer, to demand, receive or collect any fine, or costs, in any misdemeanor case before an affidavit or affidavit and information has been filed and judgment of conviction entered. The Bill provides that any person violating it is guilty of a felony and may be confined in the penitentiary for a term of not less than one year nor more than five years, or by fine of not less than \$25.00 nor more than \$1,000.00, or by both such fine and imprisonment. Under its terms, if a Justice of the Peace, in a case pending before him, should accept payment of a fine before he entered a judgment of conviction he would be guilty of a felony. If a man had been arrested, placed under bond, and affidavit or affidavit and information had been filed against him, and he gave the constable or deputy sheriff the amount of the fine and made him his agent to plead him guilty and to pay the fine for him, such constable or deputy sheriff would be guilty of a felony unless the Justice of the Peace had previously entered a judgment of conviction.

This Bill is intended to reach a situation that has been commented on in the newspapers recently and that is the instances in which peace officers have been charged with accepting money for fines and failing to account for it to the Justice of the Peace or other proper officer. Such improper action of officers can be prosecuted under the existing penal laws. It is my judgment that this Bill goes too far and is too drastic in its terms. I am opposed to peace officers holding roadside courts. It is a bad policy and violates existing law. Under the terms of this Bill things done by thoroughly honest officers and recognized as legal at all times would become felonies. If a man has been arrested and placed under bond there can be no objection to him making an officer his agent to enter his plea of guilty in a misdemeanor case. If the officer faithfully discharges the trust no harm has been done and no injury sustained. If the officer breaches the trust our laws are ample to reach and punish him. I am of the opinion that existing laws upon this subject are adequate.

Therefore, for the reasons stated, I hereby veto this Bill.

  
Governor of Texas

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, THAT I,  
DAN MOODY, Governor of the State of Texas, under and by virtue of the authority  
vested in me by the Constitution and Laws of this State, have vetoed said Bill  
for the reasons stated and on file, and do hereby proclaim said action to have  
been taken.



IN TESTIMONY WHEREOF, I have hereunto  
signed my name officially and caused  
the seal of State to be impressed  
hereon at Austin, Texas, this the 1st  
day of April, A. D. 1929.

BY THE GOVERNOR:

James F. McCallum  
Secretary of State

Dan Moody  
Governor of Texas